

URBAN PLANNING DELEGATED COMMITTEE



MINUTES

(Open to the public)

Monday 7 September 2020

Online - Delivered via Webex Events.

Commencement 6.31pm

Attendance

Councillor Garry Thompson (Chairperson)
Councillor Cynthia Watson (Mayor)
Councillor Jane Addis
Councillor Phillip Healey
Councillor Lisa Hollingsworth
Councillor Steve Hurd
Councillor Jim Parke
Councillor Coral Ross
Councillor Felicity Sinfield
Councillor Jack Wegman

Apologies

Nil

Officers

Phillip Storer	Chief Executive Officer
Shiran Wickramasinghe	Director City Planning
Simon Mitchell	Manager Strategic & Statutory Planning
David Thompson	Manager Governance
Christian Wilmsen	Team Leader Strategic Planning
Nick Brennan	Senior Strategic Planner
Thomas Albert	Senior Planner
Scott Lipscombe	Strategic and Statutory Planning Traffic Engineer
Erin McCarthy	Strategic and Statutory Planning Coordinator
Celia Robinson	Coordinator Governance
Helen Pavlidis	Governance Projects Officer
Elizabeth Manou	Governance Projects Officer

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1. Adoption and confirmation of the minutes

No minutes to adopt

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Nil

3. Presentation of officer reports

3.1 Kew Hebrew Congregation - Seek authorisation to commence a Planning Scheme Amendment

Heritage Overlay HO559 applies to the Kew Jewish Centre (Bet Nachman Synagogue) at 53 Walpole Street, Kew. The overlay currently applies to the main synagogue building only and not to any of the other buildings on the site. This overlay was introduced through Amendment C153 to the Boroondara Planning Scheme on 17 October 2014.

On 24 May 2020, Council received a request to investigate the heritage significance of the buildings located at 53 Walpole Street, Kew currently not protected by the Heritage Overlay. This request was made in response to a planning permit application that proposed demolition of many of the buildings on the site.

Council officers engaged heritage consultants Context Pty Ltd to undertake the heritage assessment. Context concluded the Heritage Overlay should be extended to cover the entire site, as the remaining buildings on the site are of local historical, architectural (representative), rarity, social and associative heritage significance.

Context has prepared a revised heritage citation to replace the existing heritage citation for HO559. This revised citation supports the Heritage Overlay that currently applies to the synagogue building, while also providing justification for the protection of the remaining buildings on the site. A copy of the prepared heritage citation can be viewed at **Attachment 2**.

At the same time as the heritage investigation was being completed, Strategic Planning Officers became aware of a current planning permit application under assessment by the Statutory Planning Department. The application proposes a redevelopment that requires demolition of the majority of buildings now identified as having heritage significance including the original 1880s house (the first synagogue) as well as the 1950s and 1970s additions. The 1960s school building is to be retained.

On 29 May 2020 Council also received an application for report and consent to demolish the majority of buildings currently not subject to the Heritage Overlay on the site under Section 29A of the *Building Act 1993*. In accordance with Council's adopted Section 29A process, officers lodged an application for an interim Heritage Overlay with the Minister for Planning and Council's Building Department suspended consideration of the S29A request.

The Strategic Planning Department carried out preliminary consultation on the draft heritage citation from 27 July to 10 August 2020. A total of six submissions have been received, four in support of the recommendations of the draft heritage citation and two opposed. The key issues raised in the objecting submissions relate to the limitations on development of the site, the impact on the future operation of the school, and disagreement with the significance of buildings on the site other than the main synagogue building.

Officers recommend the Urban Planning Delegated Committee resolve to adopt the heritage citation and seek authorisation to prepare and exhibit a planning scheme amendment to extend Heritage Overlay HO559 to the property boundaries of the site.

There were no speakers wishing to make submissions to Council for this item.

MOTION

Moved Councillor Healey

Seconded Councillor Sinfield

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the feedback received (Attachment 1) and outcomes of the preliminary consultation process undertaken on the draft heritage citation for the Kew Hebrew Congregation.**
- 2. Adopt the Kew Hebrew Congregation heritage citation contained in Attachment 2.**
- 3. Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to extend the Heritage Overlay that currently affects the synagogue building at 53 Walpole Street, Kew (HO553) over the entire site.**
- 4. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 5. Authorise the Director City Planning to undertake administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's Authorisation prior to the commencement of exhibition.**

CARRIED

3.2 463 High Street and 1-3 Hartington Street Kew

Proposal

The proposal seeks to construct a childcare centre and a medical centre, the reduction of two car parking spaces (associated with the medical centre) and alteration to the access of a road in a Road Zone.

Issues

The following are key issues in respect of this applications:

- The use of the land as a childcare centre (pages 44 and 48 - 57)
- Car parking and traffic generation (pages 26 - 34, 38 & 39, 48, 44, 48, 51)
- Built form (page 49 & 50 and 58 - 63)
- Off-site amenity impacts (page 51 - 56)
- Objections Received (page 24 and 66 -71)

Officer's response

Overall, the design achieves a high level of compliance with the requirements of the General Residential Zone and Clause 22.02 (Discretionary Uses and Development in a Residential Areas Policy). The childcare centre is fully compliant with the statutory car parking requirements at Clause 52.06, while a reduction in the short-term car parking requirements (two spaces) is sought for the medical centre.

The site shares two direct interfaces with residential properties, being 457a High Street and 5 Hartington Street. The development responds to the dwellings by providing ResCode compliant setbacks (noting that ResCode does not apply to non-residential development) and ensuring that the extent of shadows cast will not be excessive. The built form provides for a suitable transition from the commercial nature of developments along High Street to the residential land along Hartington Street and is compliant with the preferred neighbourhood character objectives at Clause 22.05.

Council's Traffic Engineers have advised the reduction in two car parking space is acceptable, with the shortfall being associated with short-term car parking only. The two spaces could be accommodated by the removal of the existing crossovers to High Street and Hartington Street. Moreover, Council's Traffic Engineers have advised they are satisfied with the proposed layout of the basement and provision of car parking. Traffic generated by the development will not cause the design capacity of Hartington Street and High Street to be exceeded.

Details of the proposal, discussion of all objections and assessment against relevant controls and policies are contained in the attachment to this report.

*5 speakers opposed to the officers' recommendation addressed the meeting.
1 speaker in support of the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Healey

Seconded Councillor Addis

That the Urban Planning Delegated Committee resolve that a Notice of Decision to Grant Planning Permit PP19/0991 for the use and development of the land for a childcare facility and a medical clinic, and the reduction of the associated car parking requirements for the medical centre, and alteration to a road in a Road Zone at 463 High Street and 1&3 Hartington Street, Kew be issued under the Boroondara Planning Scheme subject to the following conditions:

Amended plans required

1. Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When the plans are to the satisfaction of the Responsible Authority they will be endorsed and will then form part of the Permit. The plans must be drawn to scale with dimensions and an electronic copy provided (unlocked PDF), substantially in accordance with the s57a Amended Plans, dated 9 July 2020, but modified to show:
 - a) The north-facing windows of the childcare centre screened in accordance with Overlooking Standard A15 of ResCode;
 - b) The north-facing windows of the childcare centre noted as being double glazed;
 - c) Acoustic fencing shown along the entire northern boundary, with the exception of the area within the sightline triangle;
 - d) The ground floor plans amended to include acoustic fencing along the western boundary (laneway), consistent with the elevations;
 - e) All acoustic fencing and acoustic balustrades shown to a height of not less than 2.0m, with the exception of the area within the sightline triangle;
 - f) Re-orientation of the staircase to the first floor outdoor play area to the northern edge of the play area, inside the line of the proposed acoustic balustrade and in an east-west alignment;
 - g) Details of the type, material and treatment of acoustic fencing noted on the plans and is to be in accordance with the recommendations contained within the Acoustic by Enfield Acoustic Noise Vibration, dated 8 July 2020;
 - h) The notation of front fencing on the plans removed and clarification that no front fence is proposed along the High Street or Hartington Street frontages;
 - i) A notation on the ground floor plan that any obstruction within the pedestrian sight triangles are to have a maximum height of 900mm or a permeability of 50 percent;
 - j) A 150mm high apex above the existing footpath level at the access to the basement;
 - k) A notation on the basement plan that staff are to be allocated to the aisle car parking spaces only;
 - l) A car parking control system / sign directing all traffic exiting the subject site are to turn right only;
 - m) A roof plan, noting all services are to be located within the basement, as per the s57a Plans;
 - n) The waste area in the basement amended to remove the word "Medical", noting the area is to be set aside for waste of the entire development and in accordance with the endorsed Waste Management Plan;
 - o) The basement plan amended to note each tandem car parking space to be allocated for staff only of either the childcare centre or the medical clinic;

- p) The basement plan to note the car spaces to be clearly signed to identify parking allocated for the staff of each use and visitor parking;
- q) The basement plan to note parking at the end of aisles to be clearly signed for staff parking only;
- r) A physical samples board containing samples of all construction materials, external finishes and colours;
- s) The Tree Protection Zone and Structural Root Zone of Trees 1, 2, 3 and 19 drawn on all site and floor plans;
- t) Notation on all site and floor plans that Trees 1, 2, 3 and 19 are to be protected in accordance with the endorsed Tree Management Plan required by Condition 6 of this permit;
- u) Any changes required by Condition 3 (Landscape Plan) of this permit;
- v) Any changes required by Condition 6 (Tree Management Plan) of this permit;
- w) Any changes required by Condition 21 (Water Sensitive Urban Design) of this permit;
- x) Any changes required by Condition 18 (Acoustic Report) of this permit; and
- y) Any changes required by Condition 33 (Waste Management Plan) of this permit.

Layout and uses not to be altered

2. The layout of the site and the uses, size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Landscape plan

3. Concurrent with the endorsement of plans, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale with dimensions and an electronic copy provided (unlocked PDF). When endorsed, the plan will form part of the permit. The landscape plan must be generally in accordance with the landscape concept plan dated 6 April 2020 prepared by prepared by Outward Design that the plan must show:
 - a) A survey (including botanical names) of all existing trees to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
 - b) One (1) small tree (minimum two metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the eastern set-back of the property;
 - c) One (1) small tree (minimum two metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the southern set-back of the property;
 - d) One (1) small tree (minimum two metres tall when planted and must achieve a minimum mature height of 7 metres and canopy spread of 5 metres) in the western set-back of the property;
 - e) Each small tree must be provided a minimum of 30 m² of deep soil, with the available soil area clearly shown on the landscape plan;
 - f) All trees must comply with Australian Standard AS2303:2015 - Tree Stock for Landscape Use;
 - g) All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturist; and
 - h) All trees must be planted more than 2 metres away from any structures, property boundaries, easements, existing trees or shrubs;

- i) The Purple Willow Myrtle species replaced by a Mangolia Grandiflora species.

Completion of landscaping works

4. Landscaping as shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority prior to the occupation of the development.

Landscaping maintenance

5. All landscaping works shown on the endorsed landscape plan/s must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Tree Management Plan

6. Concurrent with the endorsement of plans referred to in Condition 1 of this permit, a Tree Management Plan must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of Trees 1, 2, 3 and 19. The Tree Management Plan must be approved by the Responsible Authority prior to the commencement of any works including demolition and levelling of the site. The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the responsible authority ensuring that the tree remains healthy and viable during construction.
 - a) A tree protection plan to scale is to be submitted along with the tree management plan that is to show:
 - i. Tree Protection Zones and Structural Root Zones of all trees to be retained,
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used
 - iii. The type of foundations (shown or details noted) within each tree protection zone.
 - iv. Any services to be located within the Tree Protection Zone and a notation to state that all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the project arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zone.
 - b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the project arborist; and details of how any permeable surfaces within the Tree Protection Zone of retained trees will be constructed.
 - c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority;
 - d) All remedial pruning works that are required to be performed on trees during demolition and development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
 - e) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Contractors to be advised of trees to be retained

7. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Management Plan and are advised of any obligations in relation to the protection of those trees.

Regulation of activities in Tree Protection Area

8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area as detailed in the endorsed Tree Management Plan without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Documentation and Certification by Project Arborist

9. Prior to the commencement of any site works, including demolition and excavation, the Responsible Authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee the design and construction, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must hold suitable qualifications and experience to the satisfaction of the Responsible Authority. Evidence of the appointment of the project arborist must be submitted to the satisfaction of the Responsible Authority (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) not less than seven (7) days before the commencement of works on site.
10. Prior to the commencement of any site works, including demolition and excavation, a timetable for the supervision and certification of tree management activities which is to the satisfaction of the Responsible Authority must be prepared by the project arborist and submitted to the Responsible Authority for approval. A signed and dated copy of each stage of the supervision timetable certified by the project arborist (quoting the Planning Permit number and site address, emailed to Boroondara@boroondara.vic.gov.au) must be submitted to the Responsible Authority not more than seven (7) days following the completion of each stage.

Hours of operation (Childcare Centre)

11. The use of the childcare centre, allowed under this permit, must operate only during the following hours, except with the further written consent of the Responsible Authority:

Monday to Friday (excluding public holidays) - 6.30am to 7.30pm
Saturdays - Closed
Sundays - Closed
Public holidays - Closed.

Hours of operation (Medical Centre)

12. The use of the medical centre, allowed under this permit, must operate only during the following hours, except with the further written consent of the Responsible Authority:

Monday to Friday (excluding public holidays) - 7.30am to 7.00pm
Saturdays and Sundays - 8.00am to 5.00pm
Public holidays - Closed.

Number of children in care restricted

13. No more than 104 children at any one time are to be present on the subject land without the further written consent of the Responsible Authority.

Staff numbers (Childcare centre)

14. The number of staff, proprietors, and person related to the proprietors working in the childcare centre or any other persons working in the childcare centre, whether paid or unpaid, must not exceed 20 at any one time.

Number of medical practitioners

15. No more than nine (9) practitioners, including contractors, are permitted to practice at or conduct consultations from the premises, and no more than nine (9) support staff can assist the practitioners, at any one time without the prior written consent of the Responsible Authority.

Soundproofing of plant and equipment

16. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Loading and unloading

17. Except for food and drink deliveries to the premises, all loading and unloading of vehicles, including for the collection of waste, must be carried out within the garage basement and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority. Loading and unloading of vehicles associated with food and drink deliveries must occur within the High Street frontage.

Acoustic Report

18. Concurrent with the endorsement of plans, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustic Noise Vibration, dated 8 July 2020, but modified to show:
 - a) Acoustic fencing along the entirety of the northern boundary, including adjacent to the proposed accessway, except where it tapers down towards the street;
 - b) Acoustic fencing along the western boundary as the site interfaces within the laneway;
 - c) All acoustic fencing and balustrades to be minimum 2m in height;
 - d) Confirm the detailed specifications of the acoustic treatment of the building and the external play areas as shown on the plans;
and
 - e) Updated to ensure waste collection times are in line with the hours of operation with the facility and those specified within Condition 33.

Testing of noise emissions

19. At the request of the Responsible Authority, the owner or operator must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority. The cost of the assessment is to be borne by the owner or operator.

If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority. The frequency of this request will be at the discretion of the Responsible Authority.

Loudspeakers

20. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

21. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of Clause 53.18 'Stormwater Management in Urban Development to the satisfaction of the Responsible Authority. The response must include:
- a) A site plan showing the location of proposed stormwater treatment measures and the location and area (square metres) of impermeable surfaces that drain to each treatment measure.
 - b) A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (1999). Please note that for the modelling requirement you can use the following free program to demonstrate best practice, which is equivalent to a score of 100% or more: <http://storm.melbournewater.com.au>
 - c) The plans must indicate that rainwater / ground water is to be collected within rainwater tanks and reused for the purpose of flushing toilets within the building. The rainwater tanks must be clearly shown on the plans, including their capacities, and must be consistent with the recommendations within the STORM report.

Drainage

22. The site must be drained to the satisfaction of the Responsible Authority.

Sediment laden run-off

23. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Driveways and car parking areas to be constructed

24. Before the use starts or any building is occupied, area/s set aside for car parking, access lanes and driveways shown on the endorsed plans must be:
- a) Constructed;
 - b) Line marked to indicate each car space; and
 - c) Clearly marked to show the direction of traffic along the access lanes and driveways.
- to the satisfaction of the Responsible Authority.

Car Parking Management Plan

25. Prior to the commencement of the use, a car parking management plan must be submitted to and approved by the Responsible Authority. The plan must clearly set out and identify the parking for each use in accordance with the approved plans under this permit and must address, but not limited to:

- a) 16 car parking spaces allocation to the staff of the childcare centre;
- b) 9 car parking spaces allocated to staff of the medical centre;
- c) 6 'pick-up/drop-off' spaces for the childcare centre use;
- d) 1 DDA compliant space, with measures on how this space will be managed and made only available to patrons accessing the medical centre;
- e) Details on how the 'right-turn only' direction for exiting cars would be managed;
- f) Car spaces, access lanes, and driveways shown on the endorsed plans must not be used to any other purpose, to the satisfaction of the Responsible Authority;
- g) The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purpose; and
- h) Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Vehicle crossovers

26. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

Removal of redundant vehicle crossovers

27. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Boundary walls

28. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.

External lighting

29. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.

Security alarms

30. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standards published by Standards Australia International Ltd and must be connected to a registered security service, to the satisfaction of the Responsible Authority.

Concealment of pipes

31. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.

Amenity of area

32. The amenity of the area must not be adversely affected by the use or development as a result of:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works, stored goods or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste water, waste products or oil; or
 - d) The presence of vermin.
- to the satisfaction of the Responsible Authority.

Waste management plan

33. A waste management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Ratio Consultants, dated 9 December 2016. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
- a) the type/s and number of waste bins;
 - b) screening of bins;
 - c) type/size of trucks;
 - d) frequency of waste collection;
 - e) plan showing the layout of the bins at collection time including sufficient clearances from all street services, features and infrastructure;
 - f) location of collection points within basement;
 - g) Collection times must not be before 7.00am and not after 6.00pm Mondays to Fridays and not on weekends;
 - h) Waste collection to be from the basement only;
- to the satisfaction of the Responsible Authority.

Maintenance of waste storage area

34. All bins and receptacles used for the collection and storage of solid waste, recyclables and other wastes must be kept in a designated area, to the satisfaction of the Responsible Authority. This storage area must be:
- a) Properly paved and drained to a legal point of discharge;
 - b) Screened from view with a suitably designed enclosure;
 - c) Supplied with adequate hot and cold water; and
 - d) Maintained in a clean and tidy condition free from offensive odours
- to the satisfaction of the Responsible Authority.

Plant/equipment or features on roof

35. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

Construction Management Plan

36. Prior to the commencement of any site works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must be prepared in accordance with Council's Construction Management Plan Template and provide details of the following:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust, water and sediment laden runoff;
- c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- d) The location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- e) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
- f) Contact details of key construction site staff;
- g) The location of any site sheds and the like; and
- h) Any other relevant matter.

Hours for demolition and construction

37. All works including earthworks, demolition and construction activity associated with the approved development must take place only during the following hours, except with the prior written consent of the Responsible Authority:

Monday to Thursday:	7:00am to 6:30pm
Friday:	7:00am to 5:00pm
Saturday:	9:00am to 5:00pm
Sunday & Public Holidays:	No construction

Department of Transport Conditions

38. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to Head, Transport for Victoria or the RA.

Permit to expire:

39. This Permit will expire if:

- a) The development does not start within two (2) years of the issue date of this Permit; or
- b) The development is not completed within four (4) years of the issue date of this Permit; or
- c) The use does not commence within two (2) years of the completion of the development.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or:

- (i) within six (6) months afterwards if the use or the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Permit Notes:

- *Headings are for ease of reference only and do not affect the interpretation of permit conditions.*
- *This is not a Building Permit. A Building Permit may be required prior to the commencement of any works associated with the proposed development.*
- *Prior to the commencement of any works on the site, the owner/developer must submit drainage plans for assessment and approval by the Responsible Authority (Asset Management).*
- *Stormwater drains are to be connected to a legal point of discharge approved by Council. Drainage Connections within a road reserve, right-of-way, parkland, within an easement or to a Health Act drain must be to Council's standards. A Council Supervision Permit is required for this work. All fees and charges associated with the connection are to be borne by the applicant.*
- *Prior to the commencement of any works on the site, the owner / developer must submit any new vehicular crossover or modification or alteration to an existing crossover proposal for assessment and approval by the Responsible Authority (Asset Management).*
- *The Tree Protection Local Law requires that a Local Law Tree Permit be sought from Council for the removal and/or lopping of a 'Significant Tree' and/or excavation within the critical root zone of a Significant Tree. A list of Significant Trees is available at <http://www.boroondara.vic.gov.au/our-city/trees/significant-trees>. A Local Law Tree Permit is also required to remove, damage kill or destroy any identified 'Canopy Tree' which may include any excavation within the tree protection zone of a 'canopy tree'. The Tree Protection Local Law identifies a 'Canopy tree' as any tree with a single trunk circumference of 110cm or a combined circumference of a multi stemmed tree of 110cm or greater measured at 1.5m above ground level. A Planning Permit does not constitute a Local Law Tree Permit or permission to remove, damage kill or destroy a significant or canopy tree. The Tree Protection Local Law is available to download at <http://www.boroondara.vic.gov.au/our-city/trees/tree-works-permits> alternatively please contact Council's Arborist – Statutory Planning (telephone 9278 4888) should a Local Law Tree Permit be required.*
- *An Asset Protection Permit is required prior to the commencement of site works in accordance with Council's Protection of Council Assets and Control of Building Sites Local Law 2011. (Use on all Permits approving B & W)*
- *Prior consent from Council and any and all public authorities is required to be obtained for alteration or reinstatement of assets or services affected as a result of the development. (Use on all Permits approving B & W)*
- *The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority. (Use on all Permits approving B & W)*
- *A separate planning application would be required prior to the construction and use of advertising signs on site.*
- *No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 2017, and any other relevant acts or regulations created under those Acts.*

LOST

MOTION**Moved Councillor Healey****Seconded Councillor Sinfield**

That the Urban Planning Delegated Committee resolve that a Notice of Refusal to Grant Planning Permit No. PP19/0991 for the use and development of the land for a childcare facility and a medical clinic, and the reduction of the associated car parking requirements for the medical centre, and alteration to a road in a Road Zone at 463 High Street and 1&3 Hartington Street, Kew be issued under the Boroondara Planning Scheme on the following grounds:

- 1. The proposed use would have a detrimental impact on the immediately adjoining residential properties and the wider neighbourhood due to noise an excessive traffic movement.**
- 2. The proposal will have a detrimental impact on the amenity of adjoining properties due to overlooking from windows and the external stair.**
- 3. The proposal provides insufficient onsite car parking having regard to Clause 52.06 (Car Parking) of the Boroondara Planning Scheme.**
- 4. The proposed design will adversely impact on the amenity and landscape character of the area having regard to Clause 22.05 (Neighbourhood Character Policy) and the objective and standard of Clause 55.03-8 and Precinct 9 of the Boroondara Neighbourhood Character Precinct Statements 2013 of the Boroondara Planning Scheme.**
- 5. The extent of basement is uncharacteristic of the prevailing neighbourhood and does not allow for the planting of meaningful landscaping above to aid in the softening of the overall built form having regard to Clause 22.05 (Neighbourhood Character Policy) and Clause 55.03-8 (Landscaping) of the Boroondara Planning Scheme.**

CARRIED

3.3 VCAT decisions and decisions under delegation June 2020

This report sets out the delegated planning decisions made and VCAT decisions received during June 2020.

There were no speakers wishing to make submissions to Council for this item.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Ross

That the Urban Planning Delegated Committee resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for June 2020.

CARRIED

3.4 VCAT decisions and decisions under delegation July 2020

This report sets out the delegated planning decisions made and VCAT decisions received during July 2020.

There were no speakers wishing to make submissions to Council for this item.

MOTION

Moved Councillor Hurd

Seconded Councillor Watson

That the Urban Planning Delegated Committee resolve to receive and note the Delegated Planning Permit Decisions by Ward report and the VCAT Decisions by Ward report for July 2020.

CARRIED

4. General business**4.1 Metropolitan Transport Forum (MTF)**

Councillor Healey provided a high level overview of some of the matters discussed at the recent Metropolitan Transport Forum (MTF) meeting he had attended.

Councillor Healey then highlighted the following:

- heritage issues associated with the Walmer Street Bridge
- a proposal from the State government for clearway lanes within a 20 kilometre radius from the Central Business District (CBD) to be converted to tow-away zones
- the State government ruling out adding new clearway lanes or extending clearway times
- future planning opportunities possibly affecting the Kew Boulevard

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8.05pm

Confirmed

Chairperson

Date
